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September 16, 2020

VIA ECF

Honorable Jesse M. Furman
United States District Judge for the Southern District of New York
United States Courthouse
40 Centre St.
New York, New York 10007

Re: *United States v. Alexander Arguedas, et al. (Davonte Brown)*, 20 Cr. 135 (JMF)

Dear Judge Furman:

I am counsel to assigned under the Criminal Justice Act to represent defendant Davonte Brown in the above referenced matter. I am writing to request that Your Honor assign Sabrina Shroff, Esq., who is also a member of the CJA panel, to work with me on this case. I am planning to retire as of December 31, 2020, and it is clear that this case will not be resolved by then. The discovery is voluminous and no date has been set for trial; trial in this calendar year is not realistically possible.

Ms. Shroff is a logical candidate to work with me for the rest of the year, and to continue representing Mr. Brown after December. She represented Mr. Brown at his presentment on March 20, 2020 (Docket Entry 42) when he was originally arrested and has developed a relationship with him. Ms. Shroff was substituting for me on CJA duty the day of Mr. Brown's arrest, but was not assigned to this case because the government originally believed Ms. Shroff had a conflict of interest by virtue of her prior position at Federal Defenders. I have confirmed with Assistant United States Attorney Danielle Sassoon that because Ms. Shroff was not personally involved representing anyone connected to this case while she was employed at Federal Defenders, there is no conflict of interest in her representing Mr. Brown. I believe her assignment now will permit a smooth transition in Mr. Brown's representation.

Respectfully submitted,

s/James R. DeVita

James R. DeVita


Hon. Jesse M. Furman

September 16, 2020

cc: Assistant United States Attorney Andrew Chan (by ECF)
Assistant United States Attorney Danielle Sassoon (by ECF)
Sabrina Shroff, Esq. (by email)
All counsel (by ECF)

The Court has the utmost respect for Ms. Schroff, but the standard operating procedure --- for many good reasons --- is for counsel to be assigned from the duty roster in the event that there is a need for new counsel. Although the Court may deviate from that procedure where there is good cause, and a preexisting relationship with counsel might well qualify, the Court is not persuaded that standing in for purposes of presentment rises to that level. Moreover, if new counsel is assigned now, it gives that new counsel plenty of time to get up to speed while Mr. DeVita is still on the case, making it less important to have counsel with preexisting familiarity, however slight. Accordingly, the request is denied. The Court will, subject to a conflict check, assign the duty CJA lawyer to assist Mr. DeVita --- with the understanding that new counsel would take over the case in its entirety upon Mr. DeVita's retirement. The Clerk of Court is directed to terminate Doc. #226.

SO ORDERED.



September 17, 2020